

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

IN RE: ETHICON, INC.  
PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION

MDL 2327

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THIS DOCUMENT RELATES TO CASES IDENTIFIED  
ON THE ATTACHED EXHIBIT A:

**ORDER**

(Dismissing the “Ethicon Defendants” with Prejudice)

Pending in each of the individual civil actions listed on Exhibit A (attached hereto) is a Motion to Dismiss With Prejudice, filed by the Ethicon defendants as identified in the motions (collectively referred to as the “Ethicon defendants”) pursuant to the procedures established by Pretrial Order # 302. *See* Pretrial Order (“PTO”) # 302, *In re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation*, No. 2:12-md-2327 (“Ethicon MDL 2327”) [ECF No. 6020]. The plaintiff or plaintiffs in each case identified on Exhibit A did not file an objection, and the matter is ripe for consideration.

As stated in PTO # 302, the court established certain procedures to prompt dismissals of settled cases. Under these procedures, the court directed the Ethicon defendants to file a motion to dismiss in each individual case where a plaintiff has provided an executed, valid release, and the defendant has authorized disbursement to the plaintiff of the settlement amount to which the plaintiff’s counsel has agreed. Among other requirements, the court also mandated the Ethicon defendants to file a declaration certifying the completion of certain procedures in conjunction with the motion to dismiss.

The Ethicon defendants complied with these directives and procedures, and the plaintiffs have not filed an opposition. It appearing to the court that the plaintiffs and the Ethicon defendants have jointly agreed to settle, and have settled their claims, the dismissal of the Ethicon defendants in each case identified on Exhibit A is appropriate. Additionally, the court notes that dismissing the Ethicon defendants from these cases should leave no active defendants from MDL 2327.

The court **ORDERS** that:

1. the Motion to Dismiss with Prejudice is **GRANTED**; and
2. the Ethicon defendants are **DISMISSED WITH PREJUDICE** from the actions listed on the attached Exhibit A;
3. if there are no remaining defendants in a civil action, then that civil action is dismissed with prejudice and stricken from the docket;

The court **DIRECTS** the Clerk to:

- (1) dismiss the Ethicon defendants from the individual civil action(s) with prejudice;
- (2) if no other defendants remain in an individual action, then (a) strike the action from the docket, (b) deny any motions pending in the individual case at the time of dismissal and (c) close the case;
- (3) file a copy of this Order in MDL 2327 and in each individual case on the attached Exhibit(s); and
- (4) send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 2, 2019

  
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THOMAS E. JOHNSTON, CHIEF JUDGE

**Exhibit A**

<b>Case Number</b>	<b>Case Short Style</b>	<b>ECF No.</b>	<b>Date Filed</b>
2:12-cv-05412	Moore et al v. Ethicon, Inc. et al	47	8/6/2018
2:12-cv-01857	Sutton v. Ethicon, Inc. et al	76	11/1/2018
2:12-cv-02300	Wilcox et al v. Ethicon, Inc. et al	32	11/1/2018
2:12-cv-2819	Brusseau et al v. Ethicon, Inc. et al	78	11/1/2018
2:12-cv-05142	Gibson et al v. Ethicon, Inc. et al	59	8/6/2018
2:12-cv-05208	Johnson et al v. Ethicon, Inc. et al	30	8/6/2018
2:12-cv-05413	Harden v. Ethicon, Inc. et al	53	8/6/2018
2:12-cv-07409	Ishmael et al v. Ethicon, Inc. et al	26	8/5/2018
2:13-cv-01746	Hicks et al v. Ethicon, Inc. et al	60	8/20/2018
2:13-cv-02325	McMains v. Ethicon, Inc. et al	45	8/6/2018